PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| IN RE APPLICATION OF: DAVID BOGART DORT | EXAMINER: MARY DA ZHI WANG CHEUNG |
| APPLICATION NO.: 10/710,856 | ART UNIT: 3694 |
| FILED: AUGUST 8, 2004 | CONF. NO: 7980 |
| FOR: COMPUTER-BASED VIRTUAL PERSONAL ECONOMIES IMPLEMENTED OVER PUBLIC AND PRIVATE NETWORKS AND METHODS FOR CONFIGURATION, USE AND POOLING OF SAME | ATTY DOCKET: VRBA.P016.A |

## Petition to Withdraw Holding of Abandonment

### 37 CFR 1.181(a)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

The abandonment in the above-referenced application should be withdrawn based on the attached documents providing that an appeal was filed and dated June 28, 2010.

Enclosed are Exhibits: (1) Notice of Abandonment, (2) Stamped postcard acknowledging receipt of all relevant documents dated July 6, 2010 (mailing certificate June 28, 2010). (3) Appeal, Dated June 28, 2010, mailing certificate and related documents.

Check 1524 for $515 was never cashed and therefore the Applicant cannot submit a new check and the original PTO-17 is not being submitted, unless the Commissioner finds it necessary. However, a **new** PTO-17 is being submitted allowing the PTO to charge the $515 to Deposit Account 50-5337.

The Applicant requests that the erroneous abandonment of the Application be withdrawn and the application proceed to examination.

Respectfully submitted,
Vrbia, Inc.

Date:<u>10/13/10</u>

/davidbogartdort50213/
David Bogart Dort
Registration No. 50,213

**Correspondence Address:**
Customer No. 37578
571-338-6037
Alexandria, Virginia

PTO/SB/17 (10-08)
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## FEE TRANSMITTAL
### For FY 2009

Effective on 12/08/2004.
pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

| | Complete if Known |
|---|---|
| Application Number | 10/710,856 |
| Filing Date | August 8, 2004 |
| First Named Inventor | Daivd Bogart DORT |
| Examiner Name | Mary Da Zhi Wang Cheung |
| Art Unit | 3694 |
| Attorney Docket No. | VRBA.P016.A |

☑ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** ($) 515

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## METHOD OF PAYMENT (check all that apply)

☐ Check  ☐ Credit Card  ☐ Money Order  ☐ None  ☐ Other (please identify): _____

☑ Deposit Account  Deposit Account Number: 50-5337  Deposit Account Name: Dort Patent, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below  ☐ Charge fee(s) indicated below, **except for the filing fee**

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES Fee ($) | Small Entity Fee ($) | SEARCH FEES Fee ($) | Small Entity Fee ($) | EXAMINATION FEES Fee ($) | Small Entity Fee ($) | Fees Paid ($) |
|---|---|---|---|---|---|---|---|
| Utility | 330 | 165 | 540 | 270 | 220 | 110 | _____ |
| Design | 220 | 110 | 100 | 50 | 140 | 70 | _____ |
| Plant | 220 | 110 | 330 | 165 | 170 | 85 | _____ |
| Reissue | 330 | 165 | 540 | 270 | 650 | 325 | _____ |
| Provisional | 220 | 110 | 0 | 0 | 0 | 0 | _____ |

### 2. EXCESS CLAIM FEES

| Fee Description | Fee ($) | Small Entity Fee ($) |
|---|---|---|
| Each claim over 20 (including Reissues) | 52 | 26 |
| Each independent claim over 3 (including Reissues) | 220 | 110 |
| Multiple dependent claims | 390 | 195 |

| Total Claims | Extra Claims | Fee ($) | Fee Paid ($) |
|---|---|---|---|
| _____ - 20 or HP = | _____ | x _____ = | _____ |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee ($) | Fee Paid ($) |
|---|---|---|---|
| _____ - 3 or HP = | _____ | x _____ = | _____ |

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

| Fee ($) | Fee Paid ($) |
|---|---|
| _____ | _____ |

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee ($) | Fee Paid ($) |
|---|---|---|---|---|
| _____ - 100 = | _____ / 50 = | _____ (round up to a whole number) x | _____ = | _____ |

### 4. OTHER FEE(S)

| | Fees Paid ($) |
|---|---|
| Non-English Specification, $130 fee (no small entity discount) | _____ |
| Other (e.g., late filing surcharge): Appeal Brief, 2-month extension fee _____ | 515 |

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**SUBMITTED BY**

| Signature | /davidbogartdort50213/ | Registration No. (Attorney/Agent) 50,213 | Telephone 571-338-6037 |
|---|---|---|---|
| Name (Print/Type) | David B. Dort | | Date October 13, 2010 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| | | |
|---|---|---|
| In re Application of | : | David Bogart Dort |
| For | : | COMPUTER-BASED VIRTUAL PERSONAL ECONOMIES IMPLEMENTED OVER PUBLIC AND PRIVATE NETWORKS AND METHODS FOR CONFIGURATION, USE AND POOLING OF SAME |
| Serial No.: | : | 10/710,856 |
| Filed | : | August 8, 2004 |
| Art Unit | : | 3694 |
| Examiner | : | Mary Da Zhi Wang Cheung |
| Att. Docket | : | VRBA.P016.A |
| Confirmation No.: | : | 7980 |

## APPEAL BRIEF

I hereby certify that this correspondence is being mailed by first-class mail to BPAI, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

Date:____28 June 2010_____By:/s/_____

**David Bogart Dort**


Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

   This Appeal Brief is submitted in support of the Notice of Appeal filed

February 22, 2010.

## I. REAL PARTY IN INTEREST

The party in interest is VRBIA, Inc., a Delaware Corporation with a single shareholder, by way of an Assignment recorded at Reel 016195, frame 0735.

## II. RELATED APPEALS AND INTERFERENCES

Following are identified any prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representatives, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal:

NONE.

## III. STATUS OF CLAIMS

Claims 1, 2, 5, and 7-9 are on appeal.

Claims 1, 2, 5, and 7-9 are pending.

No claims are allowed.

Claims 1, 2, 5, and 7-9 are rejected.

Claims 3-4, 6, and 10-26 are cancelled.

## IV. STATUS OF AMENDMENTS

All amendments through the July 22, 2009 amendments have been entered. The amendment after final submitted November 17, 2009 was not entered as the Examiner opined that it would have required a new search.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter recited in claim 1 relates to a system implemented by one or more computational devices ([0062], lines 6-7) for conducting a securitized transaction between a selling party and a purchasing party ([0062], lines 11-12), over a network comprising ([0060], lines 4-6): a data storage device ([0056], line 1), said data storage device including electronic representations of at least one set of owned assets, wherein said at least one set of owned assets includes assets other than currency ([0040], lines 5-11); a module for verifying that said at least one set of owned assets are other than currency ([0049, lines 5-9; [0075], lines 1-5; [0078], lines 15-20); a module executing a set of instructions to map an outside asset or commodity for sale to said at least one set of owned assets ([0101], lines 3-7; [0107], lines 5-8); an operative connection to both a first electronic agent looking to dispose of said outside asset (seller) and a second electronic agent looking to secure said outside asset or commodity (securitor) in exchange for a commodity other than currency ([0060], lines 3-6)), a exchange module capable of securing a transaction of said outside asset or commodity for sale ([0066], lines 12-19); said securing at least accomplished by providing at least a portion of said at least one set of owned assets as security for said exchange ([0070], lines 1-7), wherein said exchange module obtains approval from said second electronic agent via said network to use said at least one set of owned assets as security for said exchange, before said exchange occurs [0104].

The subject matter recited in claim 2 relates to a method for generating an investment pool comprising the steps of ([0040], lines 7-13): cataloging a first set of one or more assets and configuring said catalog of assets into electronic form ([0078, lines 1-3), said electronic form including electronic representation on one or more networked computational devices including removable and secure data storage ([0053], lines 1-6; [0055], lines 1-6); verifying through a set of executable instructions on one or more said computational devices that said catalog of assets is not currency ([0049, lines 5-9; [0075], lines 1-5; [0078], lines 15-20); allowing through a set of executable instructions on said one or more networked computational devices for said electronic first asset set catalog to be inspected over a network ([0088], lines 11-15; when selected by an outside source connected to said one or more networked computational devices ([0066], lines 12-13), executing instructions on said first one or more networked computational devices for linking a second set of assets represented in electronic form to said first set and verifying that said second set of assets represented in electronic form is not currency such that ([0066], lines 15-21; [0049, lines 5-9; [0075], lines 1-5; [0078], lines 15-20): the owner of said second set of assets has correlated the value of said second set of assets to said first set of assets with a normalization constant ([0077], lines 1-6); wherein any number of assets may be added to correlated to said first said of assets, and whereby said first said of assets has a non-currency investment value ([0044], lines 5-7).

The subject matter recited in claim 5 relates to the method as recited

in claim 2 further including the step of executing instructions on said first

one or more networked computational devices ([0101], lines 3-7; [0107], lines

5-8) for correlating said first set of assets and said second set of assets to a

reference value ([0077], lines 1-6).

The subject matter recited in claim 7 relates to the method as recited

in claim 5 further including the step of executing instructions on an outside

networked computational devices ([0101], lines 3-7; [0107], lines 5-8) for

correlating said first set of assets and said second set of assets to a reference

value ([0101], lines 9-13).

The subject matter recited in claim 8 relates to the method as recited

in claim 5 wherein said reference value is not located on the same host

system that includes access to said second set of assets (Fig 24 : VPE Module;

[0101], lines 7-9)

The subject matter recited in claim 9 relates to an improved

investment system including a computational device ([0062], lines 6-7) linked

to a network ([0060], lines 4-6) through set of executable instructions ([0105],

lines 5-8) on said computational device linked to a network that implement a

screening system ([0060], lines 15-19); electronic data storage configured to

store first data that represents a first asset (Fig. 8; [0056], line 1); said

executable instructions on said computational device including a filter that

verifies that said first asset does not include any relationship to currency

([0049, lines 5-9; [0075], lines 1-5; [0078], lines 15-20) a verification system

with instructions executed on said computational device that is configured to

verify the existence ([0041], lines 6-8) and identification (Figs 20a and b; [0078]) of said first asset represented by said first data after said executable instructions have verified that said first asset does not include any relationship to currency ([0049, lines 5-9; [0075], lines 1-5; [0078], lines 15-20); wherein verification instructions executed on said computational device loads said first data representational of said first asset in response to a request received over said network and through said screening system ([0060], lines 15-19) and correlates said first data representational of said first asset to a set of second data that is representational of a second non-currency asset ([0101], lines 9-13).

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

A.      On pages 4-6, the Office Action rejects claim 9 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0052788 to Perkes et al. (hereinafter "Perkes").

B.      On pages 6-11, the Office Action rejects claims 2, 5, and 7-8 under 35 U.S.C. §103(a) as allegedly being unpatentable over Perkes in view of Official Notice

C.      On pages 8-11, the Office Action rejects claim 1 under 35 U.S.C. §103(a) as allegedly being unpatentable over Perkes in view of U.S. Patent No. 7,104,443 to Paul (hereinafter "Paul").

## VI. ARGUMENT

### A. Rejection of Claim 9 Under 35 U.S.C. §102(b)

The Office Action dated October 21, 2009, rejects claim 9 under 35 U.S.C. §102(b) as allegedly being anticipated by Perkes. Appellant respectfully traverses this rejection for the reasons discussed below.

The test for anticipation under section 102 is whether each and every element set forth in the claim is found either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete details as shown in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990).

#### 1. Independent Claim 9

Independent claim 9 recites in part,

"said executable instructions on said computational device including a **filter that verifies that said first asset does not include any relationship to currency**" (emphasis added).

The above quoted subject matter ensures that assets do not contain a relationship to currency. This enables the valuation mode to value, exchange, and secure transactions without reference to a particular currency, thereby providing advantages such as independence from currency fluctuations and political upheavals.

On page 5, the Office Action cites Perkes as allegedly disclosing this feature, citing paragraphs [0025] and [0034]. These cited paragraphs do not disclose a filter that verifies that said first asset does not include any relationship to currency. Instead, the paragraphs discuss servers which collect, process, and store information such as credits or coupons earned and the display of the available credits or coupons earned. Further, Perkes in general fails to teach, disclose, or suggest the above quoted subject matter.

In paragraph [0025] Perkes discusses servers connected to a network that enables the server to communicate with users. The serves "operate to collect, process, and store the necessary information, such as credits and/or coupons earned, which information is listed in a standard database format." There is nothing in the language in paragraph [0025] that expressly or inherently describes verifying that an asset does not have a relationship to currency. The language in paragraph [0025] simply indicates that the servers store non-currency based coupons/credits.

Further, in paragraph [0034] Perkes describes displaying to a user the available number of credits/coupons that can be exchanged for pay-per-view time. Again, there is nothing in paragraph [0034] that expressly or inherently describes verifying that an asset does not have a relationship to currency.

The Office Action cites paragraphs [0025] and [0034] for the purpose that the above quoted subject matter corresponds to "the server communicate to the plurality of computer devices to collect and process the non-currency

based credit/coupon earned." Although a credit/coupon is not currency, and arguably not even considered assets, the servers do not verify that the data in the system is not currency. A system that happens to be designed to exchange units that are not related to currency does not inherently have a filter that verifies that such units do not have a relationship to currency.

Finally, upon review of Perkes, as well as the other references of record, it is apparent that all references of record generally fail to disclose, teach, or suggest "a filter that verifies that said first asset does not include any relationship to currency" as recited by independent claim 9.

Because Perkes fails to disclose, teach, or suggest the subject matter quoted above, Appellant respectfully submits that Perkes fails to present a *prima facie* case of anticipation. Accordingly, appellant respectfully requests a withdraw of the rejection of independent claim 9 under 35 U.S.C. §102(b).

## B. Rejection of Claims 2, 5, and 7-8 Under 35 U.S.C. §103(a)

The Office Action dated October 21, 2009, rejects claims 2, 5, and 7-8 under 35 U.S.C. §103(a) as allegedly being unpatentable over Perkes in view of Official Notice. Applicant respectfully traverses this rejection for the reasons detailed below.

### 1. Independent Claim 2

Independent claim 2 recites, in part, "**verifying** through a set of executable instructions on one or more said computational devices that said catalog of **assets is not currency**" (emphasis added.

The above quoted subject matter ensures that assets do not contain a

relationship to currency. This enables the valuation mode to value, exchange, and secure transactions without reference to a particular currency, thereby providing advantages such as independence from currency fluctuations and political upheavals.

On page 7, the Office Action cites Perkes as allegedly disclosing this feature, citing paragraphs [0025] and [0034]. These cited paragraphs do not disclose a filter that verifies that said first asset does not include any relationship to currency. Instead, the paragraphs discuss servers which collect, process, and store information such as credits or coupons earned and the display of the available credits or coupons earned. Further, Perkes in general fails to teach, disclose, or suggest the above quoted subject matter.

In paragraph [0025] Perkes discusses servers connected to a network that enables the server to communicate with users. The serves "operate to collect, process, and store the necessary information, such as credits and/or coupons earned, which information is listed in a standard database format." There is nothing in the language in paragraph [0025] that expressly or inherently describes verifying that an asset does not have a relationship to currency. The language in paragraph [0025] simply indicates that the servers store non-currency based coupons/credits.

Further, in paragraph [0034] Perkes describes displaying to a user the available number of credits/coupons that can be exchanged for pay-per-view time. Again, there is nothing in paragraph [0034] that expressly or inherently describes verifying that an asset does not have a relationship to

currency.

The Office Action cites paragraphs [0025] and [0034] for the purpose that the above quoted subject matter corresponds to "the server communicate to the plurality of computer devices to collect and process the non-currency based credit/coupon earned." Although a credit/coupon is not currency, and arguably not even considered assets, the servers do not verify that the data in the system is not currency. A system that happens to be designed to exchange units that are not related to currency does not inherently have a filter that verifies that such units do not have a relationship to currency.

Finally, upon review of Perkes, as well as the other references of record, it is apparent that all references of record generally fail to disclose, teach, or suggest "a filter that verifies that said first asset does not include any relationship to currency" as recited by independent claim 9.

Because Perkes fails to disclose, teach, or suggest the subject matter quoted above, Appellant respectfully submits that Perkes fails to present a *prima facie* case of anticipation. Accordingly, appellant respectfully requests a withdraw of the rejection of independent claim 2 under 35 U.S.C. §103(a)..

### 2. Dependent Claim 5, 7 and 8

Claim 5 depends from claim 2, claim 7 depends from claim 5, and claim 8 depends from claim 5. Thus, claims 5, 7, and 8 are allowable for at least the reasons stated above for claim 2, as well as the separately patentable subject matter recited therein. Accordingly, appellant respectfully requests withdrawal of the rejections of claims 5, 7, and 8 under 35 U.S.C. §103(a).

## C. Rejection of Claim 1 Under 35 U.S.C. §103(a)

The Office Action dated October 21, 2009, rejects claim 1 under 35 U.S.C. §103(a) as allegedly being unpatentable over Perkes in view of Paul. Applicant respectfully traverses this rejection for the reasons detailed below.

### 1. Independent Claim 1

Independent claim 1 recites, in part, "a module for **verifying that said at least one set of owned assets are other than a currency**" (emphasis added.

The above quoted subject matter ensures that assets do not contain a relationship to currency. This enables the valuation mode to value, exchange, and secure transactions without reference to a particular currency, thereby providing advantages such as independence from currency fluctuations and political upheavals.

On page 9, the Office Action cites Perkes as allegedly disclosing this feature, citing paragraphs [0025] and [0034]. These cited paragraphs do not disclose a filter that verifies that said first asset does not include any relationship to currency. Instead, the paragraphs discuss servers which collect, process, and store information such as credits or coupons earned and the display of the available credits or coupons earned. Further, Perkes in general fails to teach, disclose, or suggest the above quoted subject matter.

In paragraph [0025] Perkes discusses servers connected to a network that enables the server to communicate with users. The serves "operate to collect, process, and store the necessary information, such as credits and/or

- 12 -

coupons earned, which information is listed in a standard database format."

There is nothing in the language in paragraph [0025] that expressly or inherently describes verifying that an asset does not have a relationship to currency. The language in paragraph [0025] simply indicates that the servers store non-currency based coupons/credits.

Further, in paragraph [0034] Perkes describes displaying to a user the available number of credits/coupons that can be exchanged for pay-per-view time. Again, there is nothing in paragraph [0034] that expressly or inherently describes verifying that an asset does not have a relationship to currency.

The Office Action cites paragraphs [0025] and [0034] for the purpose that the above quoted subject matter corresponds to "the server communicate to the plurality of computer devices to collect and process the non-currency based credit/coupon earned." Although a credit/coupon is not currency, and arguably not even considered assets, the servers do not verify that the data in the system is not currency. A system that happens to be designed to exchange units that are not related to currency does not inherently have a filter that verifies that such units do not have a relationship to currency.

Finally, upon review of Perkes, as well as the other references of record, it is apparent that all references of record generally fail to disclose, teach, or suggest "a filter that verifies that said first asset does not include any relationship to currency" as recited by independent claim 9.

Because Perkes fails to disclose, teach, or suggest the subject matter

quoted above, Appellant respectfully submits that Perkes fails to present a

*prima facie* case of anticipation. Accordingly, appellant respectfully requests

a withdraw of the rejection of independent claim 1 under 35 U.S.C. §103(a).

### D. Conclusion

For at least the reasons discussed above, it is respectfully submitted

that the rejections are in error and that claims 1, 2, 5, and 7-9 are in

condition for allowance. Therefore, appellants respectfully requests that the

Honorable Board reverse the rejections of claims 1, 2, 5, and 7-9.

Respectfully submitted,
**Vrbia, Inc.**

Dated: June 28, 2010 \_\_/davidbogartdort50213/_____
David B. Dort
Registration No.: 50,213

Vrbia, Inc.
119 South Saint Asaph Street, Suite 200
Alexandria, VA 22314
Phone: 571-338-6037
Fax: 202-318-7729

## VIII. CLAIMS APPENDIX

CLAIMS INVOVLED IN THIS APPEAL:

1. (Previously Presented) A system implemented by one or more computational devices for conducting a securitized transaction between a selling party and a purchasing party and a securitor, over a network comprising:

a data storage device, said data storage device including electronic representations of at least one set of owned assets, wherein said at least one set of owned assets includes assets other than currency;

a module for verifying that said at least one set of owned assets are other than a currency;

a module executing a set of instructions to map an outside asset or commodity for sale to said at least one set of owned assets;

an operative connection to both a first electronic agent looking to dispose of said outside asset (seller) and a second electronic agent looking to secure said outside asset or commodity (securitor) in exchange for a

commodity other than currency, a exchange module capable of securing a transaction of said outside asset or commodity for sale;

said securing at least accomplished by providing at least a portion of said at least one set of owned assets as security for said exchange, wherein said exchange module obtains approval from said second electronic agent via said network to use said at least one set of owned assets as security for said exchange, before said exchange occurs.

2. (Previously Presented) A method for generating an investment pool comprising the steps of:

cataloging a first set of one or more assets and configuring said catalog of assets into electronic form, said electronic form including electronic representation on one or more networked computational devices including removable and secure data storage;

verifying through a set of executable instructions on one or more said computational devices that said catalog of assets is not currency;

allowing through a set of executable instructions on said one or more networked computational devices for said electronic first asset set catalog to be inspected over a network;

when selected by an outside source connected to said one or more networked computational devices, executing instructions on said first one or more networked computational devices for linking a second set of assets represented in electronic form to said first set and verifying that said second

set of assets represented in electronic form is not currency such that:

the owner of said second set of assets has correlated the value of said second set of assets to said first set of assets with a normalization constant;

wherein any number of assets may be added to correlated to said first said of assets, and whereby said first said of assets has a non-currency investment value.

3-4. (Cancelled).

5. (Previously Presented) The method as recited in claim 2 further including the step of executing instructions on said first one or more networked computational devices for correlating said first set of assets and said second set of assets to a reference value.

6. (Cancelled)

7. (Previously Presented) The method as recited in claim 5 further including the step of executing instructions on an outside networked computational device for correlating said first set of assets and said second set of assets to a reference value.

8. (Original) the method as recited in claim 5 wherein said reference value is not located on the same host system that includes access to said second set of

assets.

9. (Previously Presented) An improved investment system including a computational device linked to a network through set of executable instructions on said computational device linked to a network that implements a screening system;

electronic data storage configured to store first data that represents a first asset;

said executable instructions on said computational device including a filter that verifies that said first asset does not include any relationship to currency;

a verification system with instructions executed on said computational device that is configured to verify the existence and identification of said first asset represented by said first data after said executable instructions have verified that said first asset does not include any relationship to currency;

wherein verification instructions executed on said computational device loads said first data representational of said first asset in response to a request received over said network and through said screening system and correlates said first data representational of said first asset to a set of second data that is representational of a second non-currency asset and said verification instructions executed on said computational device confirms that both said sets of data are properly correlated to said respective assets.

10-26. (Cancelled).

## IX. EVIDENCE APPENDIX

A copy of the following evidence 1) entered by the Examiner, including

a statement setting forth where in the record the evidence was entered by the

Examiner, 2) relied upon by the Appellant in the appeal, and/or 3) relied

upon by the Examiner as to the grounds of the rejection to be reviewed on

appeal, is attached:

NONE.

## X. RELATED PROCEEDINGS APPENDIX

Copies of relevant decision in prior or pending appeals, interferences or judicial proceedings, known to Appellant, Apellant's representatives, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal are attached:

NONE.

EXHIBIT 3

**Notice of Abandonment**

| | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/710,856 | DORT, DAVID BOGART | |
| | Examiner | Art Unit | |
| | MARY CHEUNG | 3694 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on *25 November 2009*.

   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____ ), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.

   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

   no response has been filed since the filling of the Notice of Appeal dated 02/26/2010.

   /Mary Cheung/
   Primary Examiner, Art Unit 3694

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# EXHIBIT 2

Duet Patent, P.C.
Box 320069
Alexandria, VA
22320

☒ PAT. UTIL.　　☐ PCT　　☐ PROV. PAT.

Docket No.: VRBA.P016.A　Serial No.: 10/710,856　Date: June 28, 2010
By: DBD/sly　　Filing Date: 8.8.2004　Express Mail No.
Applicant: David Hogart Port　Examiner: Mary Da Zhi Wang-Cheung

FOR: **Computer-based virtual personal economies implemented over public and private networks and methods for exploitation, use and pooling of same**

Enclosed

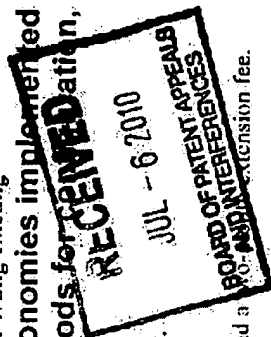☒ One stamped, self-addressed postcard for PTO datestamp.
☒ Transmittal with Certificate of Mailing.
☒ Appeal Brief (14 pages) with Appendices (6 pages)
☒ Check for $515.00 (for the filing of this appeal brief and a no-month extension fee.
☒ PTO-17 (1524)

RECEIVED
JUL - 6 2010
BOARD OF PATENT APPEALS
AND INTERFERENCES

# EXHIBIT 1

PAP

# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/710,856 | 08/08/2004 | David Bogart Dort | VRBA.P016.A | 7980 |

37578      7590      10/12/2010
VRBIA, INC.
David Dort
Box 320069
Alexandria, VA 22320

| EXAMINER |
|---|
| CHEUNG, MARY DA ZHI WANG |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3694 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 10/12/2010 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DDORT@DORT.COM